

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SANDRA NEAL, on behalf of her minor child
12 R.B.,

13 Plaintiff,

14 v.

15 CHRISTINE O. GREGOIRE, Governor of the
16 State of Washington; DR. TERRY
17 BERGESON, Superintendent of Public
18 Instructions; JAMES F. SHOEMAKE,
19 Superintendent Tacoma School District #10,

20 Defendants.

21 Case No. C06-5138 RJB

22 **ORDER GRANTING PLAINTIFF'S
23 MOTION FOR VOLUNTARY
24 DISMISSAL OF ACTION**

25 This matter comes before the Court regarding Plaintiff Sandra Neal's Motion for Voluntary
26 Dismissal of Action Without Prejudice. Dkt. 15. The Court has considered the pleadings filed in this
27 matter and the record herein.

28 **FACTUAL AND PROCEDURAL HISTORY**

29 This dispute arose from the State of Washington's requirement that high school students pass
30 the Washington Assessment of Student Learning (WASL) exam prior to graduation. On March 15,
31 2006, Plaintiff Neal filed a Complaint in federal court, alleging that the WASL exam unfairly
32 discriminates against low income and minority students, and is therefore unconstitutional pursuant to
33 Title VI of the 1964 Civil Rights Act as amended, as well as other sections of the United States
34 Constitution. Dkt. 1(1) at 2-8. Plaintiff requested (1) a declaratory judgement that Defendants have

1 violated Title VI of the 1964 Civil Rights Act and/or other rights guaranteed by the United States
2 Constitution, (2) an injunction preventing Defendants from further administering the WASL, (3) an
3 order requiring Defendants to provide “necessary funding and effective curriculum” in order to train
4 Plaintiff’s son to take the WASL exam, and (4) damages in the amount of \$250,000.00 for further
5 remedial training and emotional distress. *Id.* at 7-8. On April 5, 2006, Defendants Gregoire and
6 Bergeson filed an Answer, denying all allegations. Dkt. 8. On April 28, 2006, Defendant Shoemake
7 filed an Answer, denying all allegations. Dkt. 14.

8 Plaintiff Neal filed this action as a *pro se* litigant on behalf of her minor child without retaining
9 a lawyer. Moreover, Plaintiff Neal's minor child does not have a *Guardian ad Litem* in this matter.
10 As explained in the Court's recent Order (Dkt. 12), both of these conditions must be remedied before
11 this action can proceed. If Plaintiff Neal also intends to sue on her own behalf, that is not made clear
12 in her pleadings.

13 On May 17, 2006, Plaintiff Neal filed a motion requesting dismissal of this action without
14 prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Dkt. 15. To date, Defendants have filed Answers to
15 Plaintiff's Complaint, but have not asserted any counterclaims. Dkts. 8 & 14. A review of the file by
16 the Court indicates that dismissal of this action, pursuant to Fed. R. Civ. P. 41(a)(2), is appropriate at
17 this time.

ORDER

Therefore, it is hereby

20 **ORDERED** that Plaintiff Sandra Neal's Motion for Voluntary Dismissal of Action Without
21 Prejudice (Dkt. 15) is **GRANTED**, and this case is hereby **DISMISSED** without prejudice.

22 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of
23 record and to any party appearing pro se at said party's last known address.

24 DATED this 23rd day of May, 2006.

Robert Bryan

Robert J. Bryan
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28